

## REMARKS

This amendment and response responds to the Examiner's Final Office Action dated on October 16, 2007.

Claims 1 to 7 are amended, claims 8 to 40 are cancelled, and claims 41 to 55 are added; as a result, claims 1 to 7 and 41 to 55 are now pending in this application.

### *Amendments to the Specification*

The Applicants have amended the written specification to put the written into better form for publication after allowance. No new matter has been added to the written specification.

### *Election of Specie*

The Applicants hereby elect specie 1 (Claims 1 to 7) such that claims 8 to 40 are now cancelled. The Applicants reserve the right to bring back the remaining claims in divisional applications directed toward the other invention species.

### *Additional claims*

The Applicants have added additional dependent claims to more fully claim the invention of the selected specie as disclosed with reference to **Figure 3** and the associated written specification. The newly added claims are fully supported by the written specification on pages 7 through 10.

### *§102 Rejection of the Claims*

Claims 1 to 7 were rejected under 35 U.S.C. § 102(3) as being unpatentable over U.S. Patent No. 7,200,852 granted to Block. (hereinafter referred to as the Block reference). The Applicants have amended the claims to better highlight the novel features of the present invention.

Before directly addressing the Examiner's rejections a brief review of the present patent disclosure is desirable. The present patent disclosure teaches a number of different inventions

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including the invention claimed by the remaining claims. Present application claims the invention largely disclosed with reference to **Figure 3**. In the system of **Figure 3**, a video stream **306** is received for encoding. A time code generator **310** is synchronized with video stream **306** to provide a timing reference. A synchronized time code signal **312** from time code generator **310** is then applied to an address generator **314** that generates an address signal **316**. This address signal **316** is applied to a database **318** in order to retrieve a series of tags and markers (indicators) **320**. Finally, these tags and markers (indicators) **320** are combined with the incoming video stream **306** using an encoder **308** to output a video encoded with tags and markers (indicators) **322**.

In the Final Office Action dated October 16, 2007, the examiner contends that the Block references disclosed “a time code generator or synchronization unit that generates a time code signal that is synchronized with the video stream and provides a numerical indication of the location of the video stream that corresponds to a video signal address of said video stream.” For this teaching, the Examiner cited Column 4, lines 55-67, Column 5, lines 1-15, 62-67, Columns 6-8, Tables 1 and 2. Column 4, line 55 to column 5, line 15 state:

According to an exemplary embodiment of the invention, **the information label generator 170, synchronized with the video signal**, provides a transmitted information label TIL for transmission with the program signals. The transmitted information label TIL may be used to identify and characterize the content of the audio and video program signals. The TIL may be inserted into the video information stream, for example in the vertical retrace interval or at any other convenient location in an analog transmission. In a digital transmission, the TIL information can be inserted into the encoded information stream at any appropriate location. Depending on the amount of information contained in the TIL, the TIL may be inserted in an analog or digital video stream, for example on one or more lines, if necessary. Alternately, the TIL can be split over a number of frames.

**A synchronization unit 200 controls the state of the program material source 140, the substitute source 150, and the character generator 190 so that the viewer/editor using the label editor 160 can control, e.g., stop, slow, or reverse, the program signals in order to facilitate the generation of the labels at the appropriate places in the program signal. The synchronization unit 200 also detects the appropriate synchronization pulse in the video signal, e.g., the vertical sync pulses during the vertical retrace interval, and supplies the sync pulse to the label editor 160 in order to allow the information label**

**generator 170 to insert the transmitted information label TIL in the correct place in the video stream.**

As illustrated in **Figure 2** of the Block reference, the synchronization unit **200** is coupled to and used to control the program material source **140**, the substitute source **150**, and the character generator **190** in order to keep the system synchronized. This is not the same as a time code signal as used in the present system that is synchronized with a video signal. However, the differences will become abundantly clear as the purpose of these two very different synchronization signals is set forth.

The examiner further contends that those same sections of text teach “applying the time code signal to an address generator that receives the time code signal, decodes the time code signal and generates the corresponding video signal address or the synchronization unit provides the label editor with the time code signal after detection of the synchronization pulse and to allow the label information generator to generate the address of the location of the video signal via a frame specific location or appropriate location in the video stream during the a vertical retrace interval.” The Applicants do not dispute that the synchronization unit **200** of the Block reference is used to find the vertical retrace interval. However, this is completely different than the use of the time code signal in the present invention. In the present invention, the time code signal is applied to an address generator **314** that generates an address signal **316** and that address signal **316** is used to retrieve a series of tags and markers (indicators) **320** out of a database **318**. This is completely different than locating the vertical retrace interval. Specifically, in the present invention the time code is used as a data retrieval mechanism, not a timing mechanism for a video signal. All of the specific timing aspects are handled within the encoder **308** in the present invention.

The examiner then went on to state that label editor **160** and information label generator **170** in **Figure 2** disclose “applying the corresponding video signal address to a database or applying the frame information or location in video signal to the label editor which creates labels.” But this is simply not true. There is no disclosure of a database at all in the Block reference. The examiner is correct in that the synchronization unit **200** synchronizes the label editor **160** and/or information label generator **170** with the program material source **140**, the substitute source **150**, and the character generator **190** in order to keep these units synchronized

for the signal combiner **260** to combine these different inputs. However, this has nothing to do with accessing a set of indicators out of a database as disclosed by and claimed in the present invention.

Since the system of the Block reference does not anticipate nor suggest generating a time code signal and then using an address generated from that time code signal as an address into a database for accessing indicators as claimed by the amended independent claims 1 and 5, the Block reference does not anticipate nor render the present invention obvious. Similarly, the dependent claims that include all of the limitations in the independent claims are likewise allowable.

#### **Reservation of Rights**

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney 408-278-4041 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743,

Respectfully submitted,

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Date Feb. 26, 2008

By 

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**CERTIFICATE UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 26 day of February 2008.

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